

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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THERESA VANDERMARK,  
as Administrator of the  
Estate of James Vandermark,

Plaintiff,

v.

6:11-CV-0090

THE COUNTY OF MONTGOMERY,  
*et al.*,

Defendants.  
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THOMAS J. McAVOY  
Senior United States District Judge

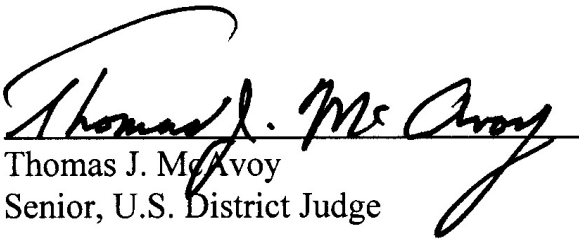
**DECISION & ORDER**

This matter brought pursuant to 42 U.S.C. § 1983 was referred to the Hon. David E. Peebles, United States Magistrate Judge, for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c).

No objections to the December 13, 2012 Report-Recommendation were raised by the parties. After examining the record, the Court determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice. Accordingly, the Court adopts the Report-Recommendation for the reasons stated therein.

Thus, it is ordered that Plaintiff's complaint be **DISMISSED WITH PREJUDICE**.  
IT IS SO ORDERED.

Dated: February 19, 2013



Thomas J. McAvoy  
Senior, U.S. District Judge